

IN THE SENATE OF THE UNITED STATES.

MARCH 5, 1860.—Ordered to be printed.

Mr. TEN EYCK submitted the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of Barnet W. Dole, heir-at-law of Eunice Dole, the widow of Enoch Dole, who was a surgeon's mate and a surgeon in the service of the United States, in the revolutionary war, make the following report:

The memorial sets forth, in substance, that Enoch Dole entered the service of the United States about the 27th of April, 1775, and continued therein, as a surgeon's mate and surgeon, until March 9, 1776, when, while with the American army on the heights of Dorchester, he was killed. That he left a widow, the said Eunice Dole, and the petitioner, his only child, him surviving; that his widow died on the 23d of September, 1822; and the petitioner prays that he, being the heir-at-law of the said Eunice Dole, widow as aforesaid, Congress will pass a law appropriating to his benefit the sum of \$3,360, which, he alleges, is the amount of seven years' half-pay of the said Enoch Dole, to which his widow was entitled in her life time, (but never received,) under a joint resolution of the Continental Congress passed on the 24th of August, 1780, which extended to the widows of those officers who had then, or should thereafter, die in the service; the provisions of the joint resolution of May 15th, 1778, which declared that all military officers commissioned by Congress who should continue in the service during the war, after the conclusion of the war, should be entitled to receive annually, for the term of seven years, one half of the then pay of such officers.

The committee are of opinion, that if all the allegations contained in the petition were fully sustained by proof, (which in their judgment is not the case,) still that the petitioner is not entitled to the relief prayed for.

The resolution of August 24, 1780, extended the provisions of the resolution of May 15, 1778, to the widows of the officers designated in the resolution of 1778.

The officers designated in the resolution of May 15, 1778, were all military officers who *then were*, or *thereafter might be*, in the service of the United States, and should continue therein during the war, &c.

The application of this last resolution was extended to such officers as were *then in*, or who *might thereafter be*, in the service of the United States, but it did not extend to such officers as prior to the date of that resolution had been, but were not at that time, in the service.

Dr. Enoch Dole was killed on the 9th of March, 1776, nearly two years prior to the passage of the resolution of May 15, 1778, and this case does not come within its provisions.

The committee, therefore, report adversely to the prayer of the petitioner.